

Lenox Development Group, LLC
Development Standards
01/08/14

Rezoning Petition No. 2014-096

Site Development Data:

- Acreage: ± 6.09 acres
- Tax Parcel #: 229-051-35
- Existing Zoning: R-3
- Proposed Zoning: NS
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the NS zoning district (as more specifically described and restricted below in Section 2)

Prohibited or Limited Uses: The following uses are not permitted on the Site: residential dwelling units, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, animal crematorium, bus & train terminals, civic, social service or fraternal facilities, equipment rental & leasing, farms, including retail sale of products grown on premises, fences & fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed & breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, childcare centers in a residence, commercial rooming houses, construction & demolition (C & D) landfills, dormitories, family childcare homes, dwellings mixed use, jails & prisons, land clearing & inert debris landfills (LCID) offsite, nursing homes, rest homes and homes for the aged, off street parking as a principle use, open space recreational uses, orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, outdoors fresh produce stands, single room occupancy (SRO) residences, and Eating, Drinking, Entertainment Establishments Type 1 and 2 (EDEE)

The following accessory uses are also prohibited: drive in windows as an accessory to the principal use, helistops, land clearing and inert landfill (LCID) on site, outdoor storage of any materials, stocks or equipment, and satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station.

Maximum Gross Square feet of Development: Up to 30,000 square feet of gross floor area.

Maximum Building Height: Not to exceed one (1) story or 30 feet, except for a decorative tower element that may be up to 45 feet high, building height will be measured as defined by the Ordinance.

Parking: The parking requirement for the uses allowed on the Site will be calculated at the rate of one parking space per 300 square feet of gross floor area.

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CITY COUNCIL

JAN 20 2015

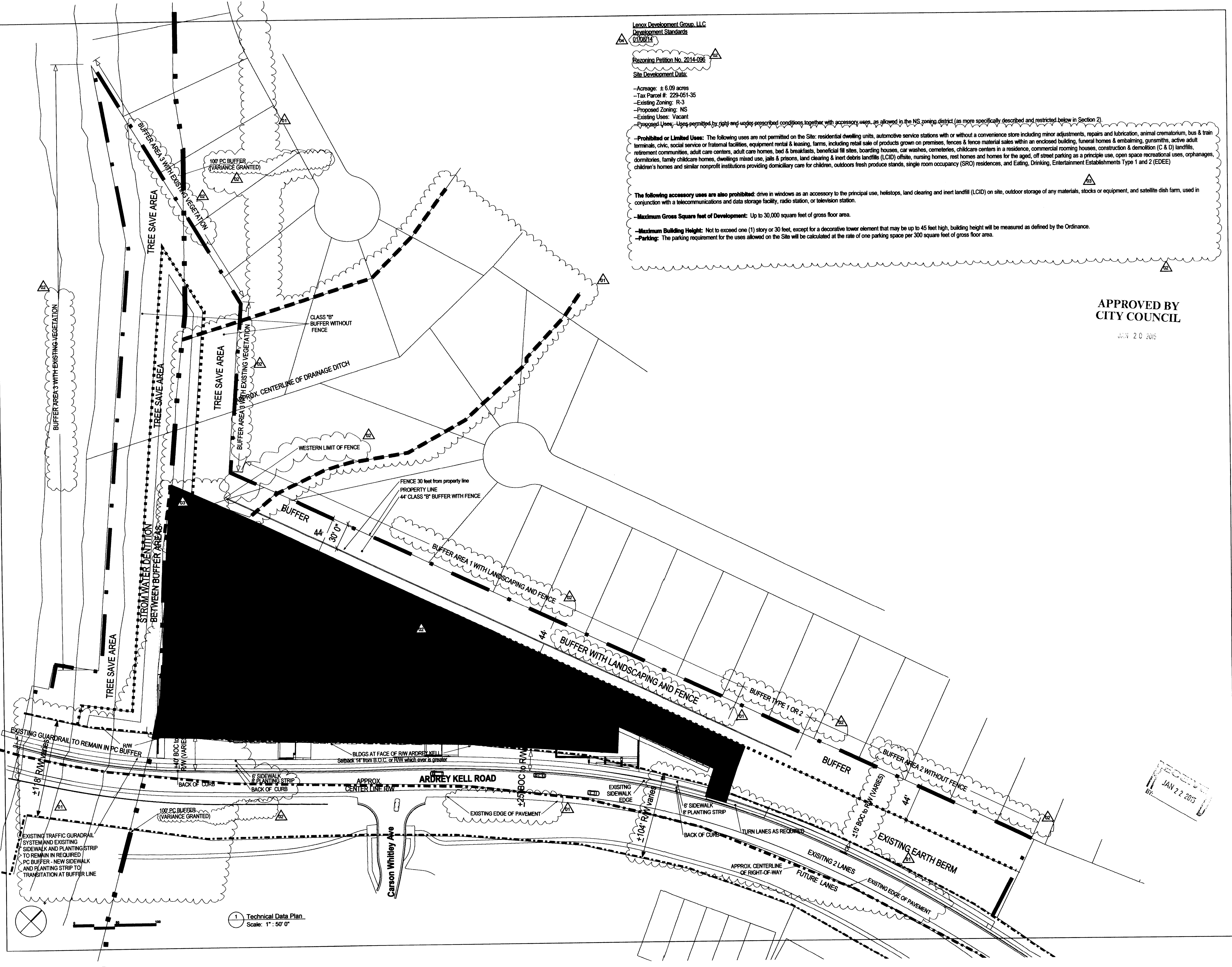
REVISIONS	REMARKS
1	07/28/14
2	08/12/14
3	10/24/14
4	12/15/14
5	1/20/15

BURGESS DESIGN STUDIO

ARDREY KELL ROAD

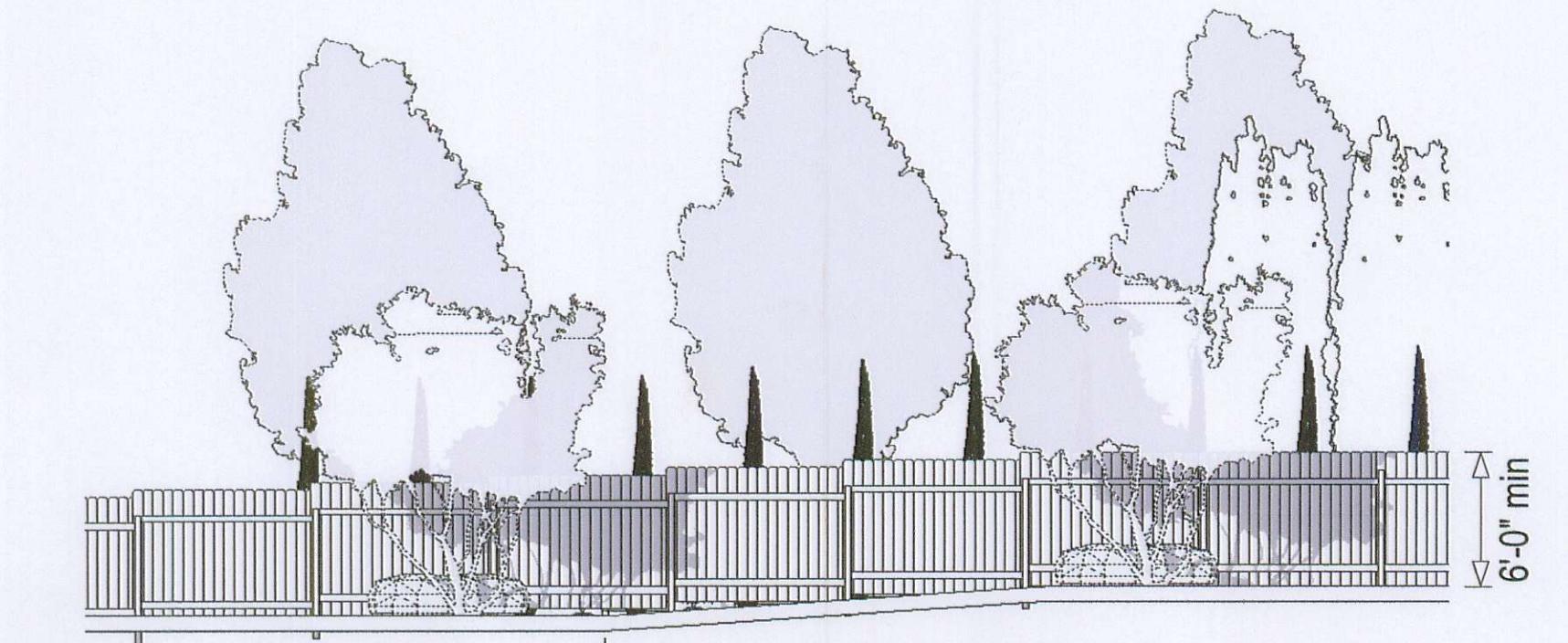
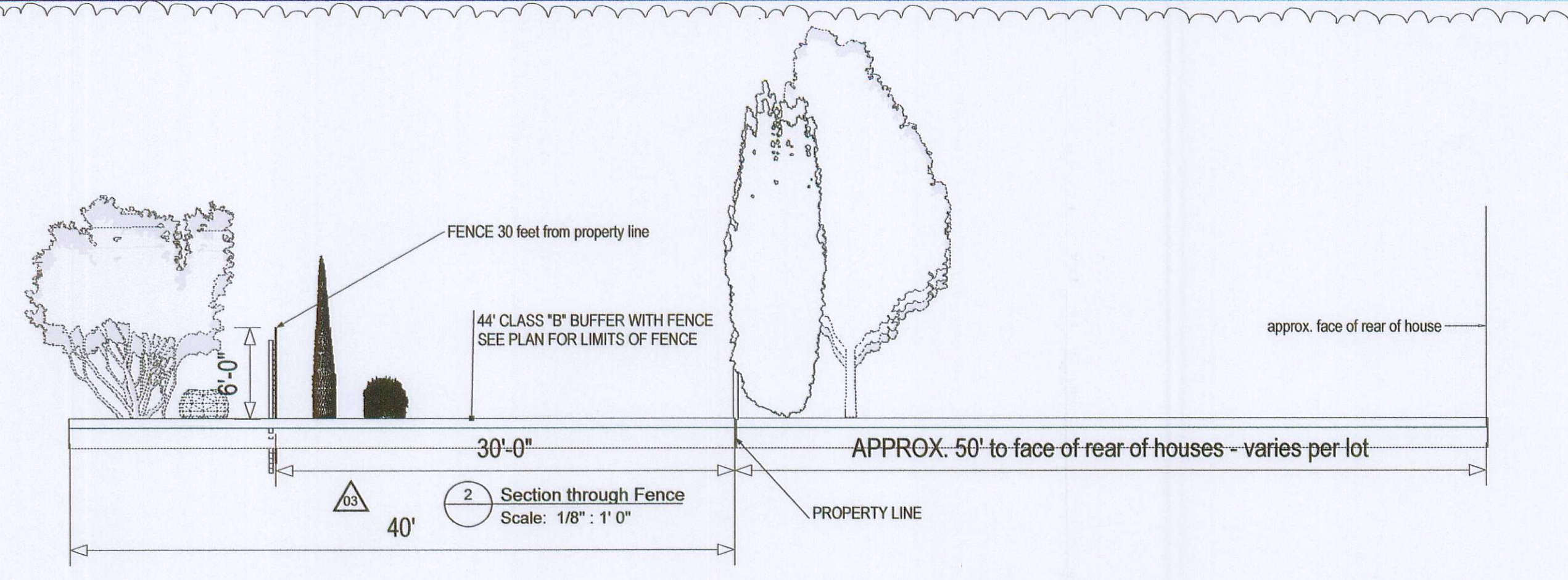
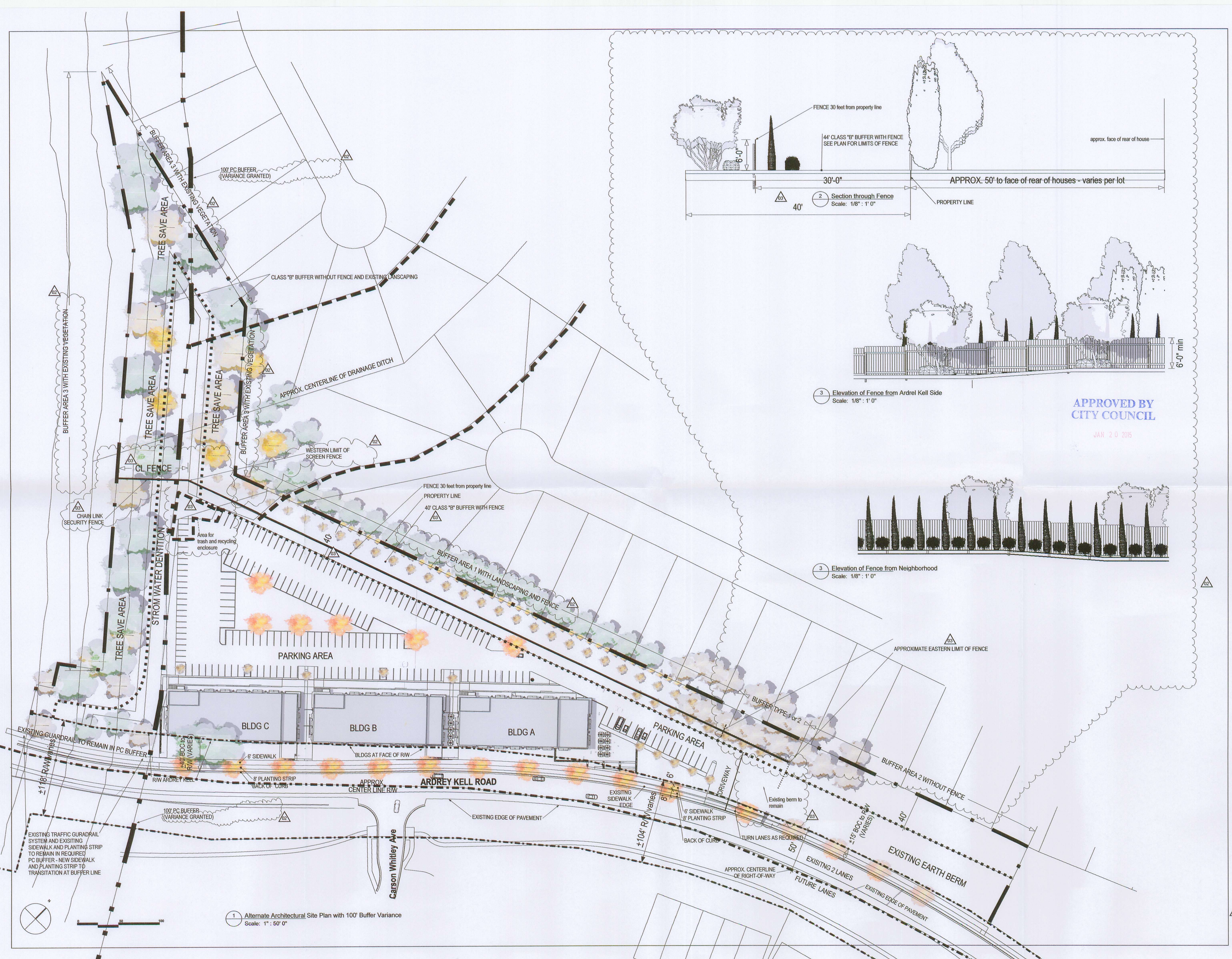
TECHNICAL SITE DATA

RZ 001



1 Technical Data Plan
Scale: 1" = 50' 0"

ECOB
JAN 22 2015
BY: [Signature]



APPROVED BY
CITY COUNCIL
JAN 20 2015

1 Alternate Architectural Site Plan with 100' Buffer Variance
Scale: 1" : 50' 0"

REVISIONS	REMARKS
1	07/28/14
2	08/19/14
3	10/24/14
4	12/15/14
5	

BURGESS DESIGN STUDIO
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ARCHITECTURAL SITE PLAN
ALTERNATE SITE PLAN WITH PC BUFFER VARIANCE APPROVAL

09/19/14 Revision 01
09/24/14 Revision 02
12/15/14 Revision 03

RZ 002a

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Lenox Development Group, LLC ("Petitioner") to accommodate the development of a "village styled" group of one-story buildings with up to 30,000 square feet of gross floor area on approximately ± 6.09 acre site located on the north side of Ardrey Kell Road between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the NS zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
- minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks or buffer areas) indicated on the Rezoning Plan; or
- modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site shall not exceed three (3). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 30,000 square feet of gross floor area of the following uses; uses allowed in the office zoning district that are also allowed in the NS zoning district (a wireless service phone provider) and personal service uses. (Personal Service uses will be defined as uses that primarily provide or sell a service to customers versus the selling of goods. A personal service use may also sell products or merchandised but the sale of products and merchandise is typically ancillary. Examples of Personal Service uses include but are not limited to: beauty salons and barber shops, Spa's, Yoga and exercise studios, nail salons, massage shops, martial art training studios, locksmiths, dry cleaning establishment (drop-off only), and alike), together with accessory uses allowed in the NS zoning district.

b. A minimum of 50% of the allowed square footage must be occupied by uses allowed in the Office Zoning District that are also allowed in the NS Zoning district. The other 50% of the uses may be a combination of: (i) Personal Services Uses (as defined above); (ii) a wireless phone service provider; (iii) uses allowed in the Office Zoning District that are also allowed in the NS Zoning district.

c. The following uses will not be allowed on the Site: residential dwelling units, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, animal crematorium, bus & train terminals, civic, social service or fraternal facilities, equipment rental & leasing, farms, including retail sale of products grown on premises, fences & fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed & breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, childcare centers in a residence, commercial rooming houses, construction & demolition (C & D) landfills, dormitories, family childcare homes, dwellings mixed use, jails & prisons, land clearing & inert debris landfills (LCID) offsite, nursing homes, rest homes and homes for the aged, off street parking as a principle use, open space recreational uses, orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, outdoors fresh produce stands, single room occupancy (SRO) residences, and Eating, Drinking, Entertainment Establishments Type 1 and 2 (EDEE)

The following accessory uses are also prohibited: drive in windows as an accessory to the principal use, helistops, land clearing and inert landfill (LCID) on site, outdoor storage of any materials, stocks or equipment, and satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station.

d. Surface parking areas will not be allowed between the proposed buildings and Ardrey Kell Road.

e. The setback along Ardrey Kell Road will be the existing right-of-way line. The minimum required setback is 14 feet from the back of curb or the existing right-of-way line whichever is the greatest, in this case the existing right-of-way line is located more than 14 feet behind the existing curb line and will be the required setback.

3. Access and Transportation:

a. Access to the Site will be from Ardrey Kell Road in the manner generally depicted on the Rezoning Plan.

b. The Petitioner will install a left-turn lane and a right-turn lane along Ardrey Kell Road to serve the Site, subject to CDOT and NCDOT approval. The turn lanes will be designed to meet CDOT and NCDOT requirements.

c. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT in accordance with applicable published standards.

d. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits, and on handrails/railings.

b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations provided that the design intent is preserved).

c. The buildings constructed on the Site abutting Ardrey Kell Road will be designed and constructed so that the building facades facing Ardrey Kell Road will include 20% fenestration (fenestration will be defined as an opening in the exterior building wall with windows allowing light and views between the interior and exterior and not screened from view). Glazing of windows shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. Fenestrations shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head.

d. Meter banks will be screened from adjoining properties and from Ardrey Kell Road.

HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade. HVAC and related mechanical equipment may not be located between the proposed building and Ardrey Kell Road.

5. Streetscape, Buffers, Yards and Landscaping:

a. Along a portion of Ardrey Kell Road the existing five (5) foot sidewalk and three (3) foot planting strip will be preserved due to the existing topography (a shift in the sidewalk location or an increase in its width would require extensive filling and grading, the extension of storm water structures and the relocation of an existing guardrail). The preservation of the existing sidewalk and planting strip will occur along a portion of the Site's frontage on Ardrey Kell Road as generally indicated on the Rezoning Plan. Along the remainder of Ardrey Kell Road frontage the Petitioner will provide an eight (8) foot planting strip and six (6) foot sidewalk as generally indicated on the Rezoning Plan.

b. A 44 foot Class B Buffer will be provided where the Site abuts existing single-family homes or R-3 zoning as generally depicted on the Rezoning Plan, portions of this buffer will be treated in three different ways as described below. (1) The portion of the 44 foot Class B Buffer abutting the homes on Fieldcroft Drive directly behind the portion of the Site to be developed will contain a six (6) foot solid wooden decorative fence or a berm and will landscaped with a minimum of 12 evergreen trees per 100 linear feet. These evergreen trees will be a combination of small and large maturing evergreen trees and will be a minimum of 7 to 8 feet tall at installation. These evergreen trees will be planted between the proposed fence and property line where a fence is provided and on the berm when a berm is provided. The area of buffer to be treated in this manner is generally depicted on the Rezoning Plan. (2) The portion of the 44 foot Class B Buffer located to the east of the proposed dumpster will consist of the existing berm and new and existing vegetation to meet the standards of a Class B Buffer. The area of buffer to be treated in this manner is generally depicted on the Rezoning Plan. (3) The portion of the buffer located along the western property line and north of the proposed parking area will consist of existing vegetation supplemented with additional trees when the existing trees in the buffer does not equal a minimum of 8 trees per 100 linear feet (shrubs are not required).

c. The width of the 44 foot Buffer may not be reduced.

d. The Petitioner will install a five (5) foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the Rezoning Plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the Site's western property boundary.

e. The Petitioner will provide a sidewalk network that links to each building on the Site to the sidewalk along Ardrey Kell Road in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.

f. Screening requirements of the Ordinance will be met.

g. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

h. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. The proposed dumpster and recycling area will be located along the western property boundary as generally depicted on the Rezoning Plan.

6. Environmental Features:

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Petitioner was granted a variance to reduce the PCCO buffer required along the western property boundary to a 100 feet buffer. The variance was granted by SWAC on October 16th 2014.

c. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

d. The Petitioner will clear the obstructions (silt and debris) from the creek channel(s) that extends into the Site from the Blakeney Heath Neighborhood and between the rear of the homes on Fieldcroft Drive and Autumn Applause Drive. This clearing will take place subject to and contingent upon the adjoining property owners granting the Petitioner the right, and releasing the Petitioner from any liability, while performing the work and subject to the issuance of any required City and/or State permits. The Petitioner will clear the obstructions in the creek channel(s) as part of the Site development work and prior to the issuance of the first certificate of occupancy for the first building constructed on the Site.

e. The Site will comply with the Tree Ordinance. Tree save areas are generally depicted on the Rezoning Plan the location of the proposed tree save areas may shift to accommodate site grades and changes to the proposed site plans.

7. Signage:

a. One detached ground mounted identification sign will be allowed along Ardrey Kell Road. The allowed detached sign may be up to five (5) feet high and contain up to 50 square feet of sign area.

b. Wall signs as allowed by the ordinance may be provided. The allowed wall signage constructed on the Site will utilize similar and/or complementary colors so as to create a cohesive appearance.

8. Lighting:

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 15 feet in height.

9. PCCO Buffer Variance:

a. The Petitioner has applied for a variance from the required 200 foot PCCO stream buffer (200 foot perennial stream buffer). The Rezoning Plans submitted with the rezoning application reflects compliance with this buffer requirement as well as how the Site plan would be modified if the variance request is granted (a 100 foot buffer will be maintained).

10. Amendments to the Rezoning Plan:

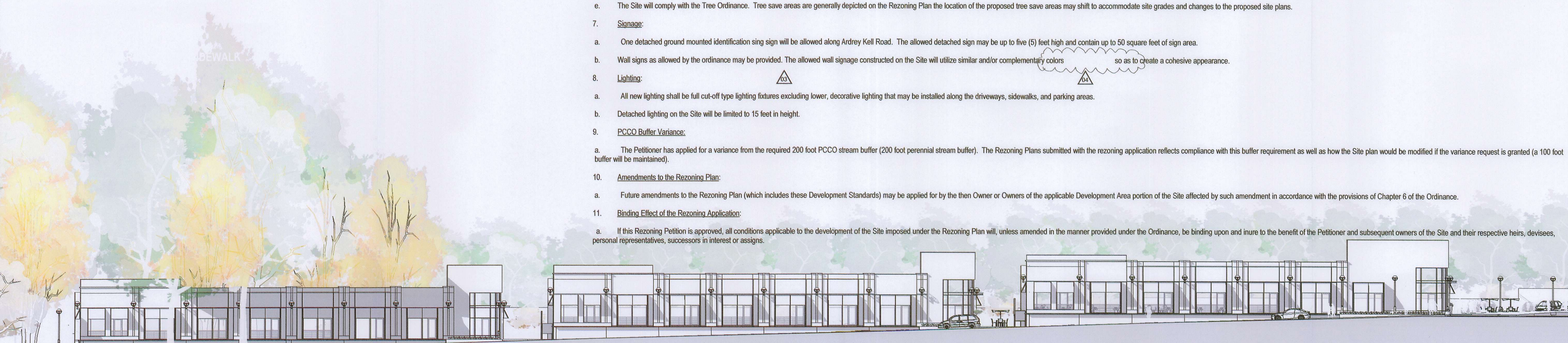
a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

11. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

APPROVED BY
CITY COUNCIL

JAN 2 0 2015



REVISIONS	REMARKS
1	07/29/14
2	08/19/14
3	Revision 01 Planning Comments
4	
5	Revision 4

BURGESS DESIGN STUDIO
ARDREY KELL ROAD

CHARACTER IMAGES

09/19/14 Revision 01
09/24/14 Revision 02
12/15/14 Revision 03
01/08/15 Revision 04